

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, ex rel.)	
W. A. DREW EDMONSON, in)	
his capacity as ATTORNEY)	
GENERAL OF THE STATE OF)	
OKLAHOMA and OKLAHOMA)	
SECRETARY OF THE)	
ENVIRONMENT C. MILES)	
TOLBERT, in his capacity as the)	
TRUSTEE FOR NATURAL)	
RESOURCES FOR THE STATE)	
OF OKLAHOMA)	
PLAINTIFF)	
)	
vs)	05-CV-0329-TCK-SAJ
)	
TYSON FOODS, INC, et al)	
DEFENDANTS)	
)	
and)	
)	
TYSON FOODS, INC, et al)	
THIRD PARTY PLAINTIFFS)	
)	
vs)	
)	
CITY OF TAHLEQUAH, et al)	
THIRD PARTY DEFENDANTS)	

ANSWER TO THIRD PARTY COMPLAINT

COME NOW Katherine L. & Kevin W. Tye by and through their attorney of record, Tim K. Baker & Associates and for their answer to the Third Party Complaint on file herein allege and state as follows:

1. That Third Party Defendant denies each and every allegation contained in the Third Party Complaint unless specifically admitted herein and demands strict proof thereof.
2. Third Party Defendant admits that this Court has subject matter

jurisdiction.

3. Third Party Defendant admits that this Court has personal jurisdiction over in this matter.
4. Third Party Defendant is without sufficient information to and makes no admission or denial with regard to the portions of the Third Party Complaint that do not specifically refer to this Third Party Defendant.
5. Third Party Defendant admits that they own property located in Adair County, Oklahoma.
6. Third Party Defendant denies that they apply fertilizers which release phosphorus and other constituents into the IRW for the purpose of hay production.
7. Third Party Defendant denies that the Third Party Plaintiffs are entitled to recover any portion of a possible judgment against them from this Third Party Defendant.
8. Third Party Defendant alleges that they should be awarded a judgment against Third Party Plaintiffs for attorney fees and costs associated with defending this action.

WHEREFORE, premises considered, Third Party Defendant Katherine L. And Kevin W. Tye pray that the Third Party Plaintiffs take nothing by way of their Third Party Complaint, for fees and costs associated with this action and for such other and further relief as the Court deems just and proper .

Respectfully submitted,
TIM K. BAKER & ASSOCIATES

By: /s/ Tim K. Baker
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TIM K. BAKER OBA # 461
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Tahlequah OK 74464
(918) 456-0618
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ATTORNEYS FOR THIRD PARTY
DEFENDANTS ABOVE NAMED

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of April, 2006 I electronically transmitted the above and foregoing Answer to Third Party Petition to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Jo Nan Allen, Frederick C. Baker, Vicki Bronson, Paula Buchwald, Louis Werner Bullock, Angela Diane Cotner, W A Drew Edmonson, Delmar R Ehrich, John R Elrod, Bruce Wayne Freeman, Ronnie Jack Freeman, Richard T. Garren, Dorothy Sharon Gentry, Robert W. George, Tony Michael Graham, James Martin Graves, Thomas James Grever, Jennifer Stockton Griffin, John Trevor Hammons, Michael Todd Hembree, Theresa Noble Hill, Philip D. Hixon, Mark D. Hopson, Kelly S. Hunter Burch, Stephen L. Jantzen, Bruce Jones, Jay Thomas Jorgensen, Raymond Thomas Lay, Nicole Marie Longwell, Linda C. Martin, Archer Scott McDaniel, Robert Park Medearis, Jr., James Randall Miller, Robert Allen Nance, John Stephen Neas, George W. Owens, David Phillip Page, Marcus N Ratcliff, Robert Paul Redemann, Melvin David Riggs, Randall Eugene Rose, Patrick Michael Ryan, Robert E. Sanders, David Charles Senger, Colin Hampton Tucker, John H. Tucker, R Pope Van Cleef, Jr., Kenneth Edward Wagner, Elizabeth C. Ward, Sharon K. Weaver, Timothy K. Webster, Gary V. Weeks, Adam Scott Weintraub, Terry Wayen West, Edwin Stephen Williams, Douglas Allen Wilson, J. Ron Wright, and Lawrence W. Zeringue.

I hereby certify that on the 13th day of April, 2006 I served the same document by U. S. Postal Service on the following, who are not registered participants of the ECF system:

John E. Adair, Rt 2 Box 1160, Stilwell OK 74960
Virginia W. Adair, Rt 2 Box 1160, Stilwell OK 74960
Jim Bagby, RR 2 Box 1711, Westville OK 74965
James C. Geiger, Rt 1 Box 222, Kansas OK 74347
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John E & Virginia W Adair Family Trust, Rt 2 Box 1160, Stilwell OK 74960
Dorothy Gene Lamb, Rt 1 Box 253, Gore OK 74435
James Lamb, Rt 1 Box 253, Gore OK 74435
William H. Narwold, Motley Rice LLC, 20 Church St 17th Flr, Hartford Ct 06103

C Miles Toblert, Secretary of the Environment, State of Oklahoma, 3800 N Classen,
Oklahoma City OK 73118

April 13, 2006

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